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10/034,237	12/27/2001	Jyrki Hoisko	006474.00004	9105
<div>22907      7590      02/15/2008</div> <div>BANNER &amp; WITCOFF, LTD.</div> <div>1100 13th STREET, N.W.</div> <div>SUITE 1200</div> <div>WASHINGTON, DC 20005-4051</div>				
			EXAMINER	
			AMINI, JAVID A	
			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/034,237

Applicant(s)

HOISKO, JYRKI

Examiner

Javid A. Amini

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2007 has been entered.

***Response to Arguments***

Applicant's arguments with respect to claims 1-18, 20-48 have been considered but are moot in view of the new ground(s) of rejection. The rejection of claim 19 under 35 U.S.C 112 second paragraph has been withdrawn.

The main part of the Applicant's argument is that the receiver receives image data and associated information data, e.g., an image plus information data about the image that the claimed invention referred as a visual effect, e.g., a picture shows people are swimming, the associated information or the visual effect provides a high temperature in that location or a warm sunny day.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Because in claims 1, 7, 41, 42, 45-48 recited a limitation of "a predetermined sequence" that the Examiner interprets it as the images are arranged side by side or overlapping

each other, on the other hand, claim 48 recited the predetermined sequence conveys a message and has meaning ... but still the claim does not specify the sequence of visual effect with the image. Suggestion: Applicant may provide or refer to specification for more explanation to clear this ambiguous limitation.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, 21-23, 28, 33-35, 42-44, and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over DIG35 Specification Metada for digital Images version 1.0, by Digital Imaging Group, Inc, hereinafter DIG.

**Claim 1.**

DIG teaches a method for displaying an image (e.g., see fig. 2-1) comprising: teaches receiving both image data and additional visual effect information (e.g., in fig. 3-3 creator can be considered as one user and metadata editor can be considered as second user), Examiner's note: the claimed invention does not explicitly specify the geographical position of the two users, because the users may be located remotely and communicating via internet or locally between two different systems, DIG teaches in fig. 2-5 generating a visual effect to be presented in association with a version of the image said visual effect being generated based on said visual effect information (e.g., section 2.3.3 second bullet),

DIG does not explicitly specify displaying at said user equipment and after said receiving and generating and in a predetermined sequence, a version of said image with the visual effect on a display of the user equipment, However, it would have been obvious to an ordinary person skill in the art to recognize that DIG teaches displaying at said user equipment (e.g., fig. 3-3) and after said receiving and generating and in a predetermined sequence (DIG in fig. 2-5 on left side illustrates an image metadata in a predetermined sequence), a version of said image with the visual effect on a display of the user equipment,

Examiner's note: the amended part of the claim i.e. "predetermined sequence" is not clear whether the sequence means side by side or different arrangements, see rejection under 112 second paragraph.

DIG teaches the image without said visual effect on the display, on page 11 section 3.3.2 discloses that the applications read and parse the XML data, also the application may update or delete existing metadata (Examiner's note: visual effect or image information).

Thus, it would have been obvious to a person skill in the art at the time of the invention to modify DIG's system, because, DIG uses XML (Extensible Markup Language) that is already widely adopted as a cross-platform and internet-enabled implementation language, and XML supports multiple languages regardless of the character set in a single document (see page 12 section 4.1), a user may obtain the claimed limitations.

Claim 2.

DIG teaches the image without said visual effect on the display, on page 11 section 3.3.2 discloses that the applications read and parse the XML data, also the application may update or delete existing metadata (Examiner's note: visual effect or image information).

Thus, it would have been obvious to a person skill in the art at the time of the invention to modify DIG's system, because, DIG uses XML (Extensible Markup Language) that is already widely adopted as a cross-platform and internet-enabled implementation language, and XML supports multiple languages regardless of the character set in a single document (see page 12 section 4.1), a user may obtain the claimed limitations.

Claim 3.

DIG teaches in fig. 3-3 search using a metadata, that means the visual effect or information data is started before all image data has been received.

Claim 4.

DIG on page 11 discloses periodically the application updates the image's metadata.

Claim 5.

DIG teaches on page 4 section 2.2 that the visual effect is associated with the image.

Claim 6.

DIG teaches on page 4 section 2.2 that the visual effect is associated with the image as the title, date/time of the capture, the capture source, and etc.

Claim 7.

Regarding the rejection of claim 7 is rejected with similar reason as set forth in claim 1 above. Except the visual effect visualizes the age of the image, see fig. 2-4 illustrates the picture is an old picture by folding the right upper corner, or on page 14 section 5.2.1 discloses that the subject's age are all stored as metadata.

Claims 8-10.

DIG teaches on page 9 the visual effect visualizes a location of the source of the image data, section 3.2.3.

Claim 11.

DIG teaches the visual effect visualizes relative location between the device and the user equipment, see section B.3.2.5 on page 36 subject distance.

Regarding claims 21-22,, and 24 DIG discloses on page 3 the importance of metadata in an image, that may cause to prioritize order of the image.

Claim 23.

DIG teaches on page 44 fig. C-1.

Claim 28.

DIG teaches in fig. 2-5.

Claims 33-34.

DIG teaches under section 2.1.

Claim 35.

DIG teaches under section 2.4.

Claim 42.

Claim 42 is rejected with a similar reason as set forth in claim 1 above.

Claim 43.

DIG teaches the claimed feature in section 2.4 page 7.

Claim 44.

The claimed feature that the visual effect is display before all image data has been received, DIG teaches in section 2.4 page 7, different approaches to load the image data before or after the metadata, this option can be customized by a user.

Claims 46-48.

Claim 46 is rejected with a similar reason as set forth in claim 1 above. Regarding claim 47 recited the predetermined sequence is determined by the additional associated information, That DIG in fig. 2-5 illustrates four pages of image metadata in a predetermined sequence, see rejection under 112 for more detailed information.

Regarding claim 48, Examiner believes that conveying a message can be referred to fig. 2-5 of DIG that the image is an old image because the visual effect of folding top corner of the image.

**Claims 12-20, 24-27, 29-32, 36-41, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over DIG, and in view of Delorme et al. 6,321,158 B1, hereinafter Delorme.**

Claim 12.

DIG teaches on page 46 section C.3.4 location, GPS coordinate, for location of an object see section F.2.15 location type, but DIG does not illustrate first and second locations as Delorme illustrates in figs. 1A2-3 a navigation system with a wireless device. The function of a navigation system is well known.

Thus, it would have been obvious to a person skill in the art at the time of the invention to modify Delorme's PDA 15 in fig. 1A3, also using the internet 109 in fig. 1A into DIG's system, because, Delorme uses the navigation, and a digital camera 13 with a wireless system that would



be beneficial to a user to incorporate DIG's XML (Extensible Markup Language) to obtain the claimed limitations.

Claim 13.

DIG teaches on page 46 section C.3.4 location, GPS coordinate, and for location of an object see section F.2.15 location type.

Claim 14.

DIG teaches under section B.3.2 camera capture.

Claim 15.

Dig in fig. 2-1 illustrates an image of Maui Hawaii.

Claim 16.

DIG under section C.3.4 location teaches address, GPS coordinate, DIG does not explicitly specify displaying a map but it would have been obvious to an ordinary person in the art to recognize that the GPS coordinate can be considered as a map

Claim 17.

DIG teaches on page 92 the GPS reference points as North/South, East/West, sse page 94 section F.2.16 under "Yaw".

Claim 18.

DIG teaches on page 36 under subject distance.

Claim 19.

Recited the size of the image is changed at a speed that visualizes the distance between the location and the user equipment. Examiner's interpretation: the automatic zooming that Delorme teaches in the abstract teaches the claimed feature, because an ordinary person in the art would be able to change the size of the image by altering the zooming in/out.

Claim 20

DIG does not explicitly specify moving a version of the image on the display; however, it would have been obvious to an ordinary person in the art to recognize that DIG covers the claimed feature under B.3.4.2 Film.

Claims 24-27.

Delorme teaches moving arrow 32 in fig. 1A2 that can be considered as a visual effect of the origin of the image, DIG teaches under II.2.2.4. on page 152. DIG teaches under section 2.1.

Claim 29.

DIG teaches in section 2.2. Delorme in col. 28 lines 11-13 teaches colored symbols.

Claim 30.

DIG teaches on page 36 using color temperature may visualize a predefined condition.

Claims 31-32, the following limitations are obvious because any computer equipped with a graphical controller that manage the colors on a display, the claims recited altering a color index table of the image, in light of the specification discloses on page 10 lines 9-10 using an appropriate hardware or software that is taught by Delorme in col. 12 lines 20-30.

Claims 36-37.

The presentation of the visual effect comprises provision of a shaking or vibrating version of the image, Dig does not explicitly specify animating the visual effect, however,

Delorme at col. 32 lines 5-25 teaches customized plan with an animation. Examiner's note:  
animating version of an image may be considered as a distorted version of the image.

Claim 38.

The claim recited one differently sized version of the image, and specification does not specify what the specified size of the image is, however, Delorme in fig. 8D steps 874 and 878 teaches effectively increment or decrement the POI pointer.

Claims 39-40.

Delorme clearly teaches the claim features in figs. 1.

Claim 41.

Claim 41 is rejected with similar reasons as set forth in claim 1 above, except the claim limitation in line 2, "a mobile station", that is taught by Delorme in figs. 1.

Thus, it would have been obvious to a person skill in the art at the time of the invention to modify Delorme's PDA 15 in fig. 1A3, also using the internet 109 in fig. 1A into DIG's system, because, Delorme uses the navigation, and a digital camera 13 with a wireless system that would be beneficial to a user to incorporate DIG's XML (Extensible Markup Language) to obtain the claimed limitations.

Claim 45.

Claim 45 is rejected with a similar reason as set forth in claim 1 above, except the claim limitation in lines 4-6 that recited " a camera configured to capture an image .." Delorme teaches this limitation in figs. 1.

Thus, it would have been obvious to a person skill in the art at the time of the invention to modify Delorme's PDA 15 in fig. 1A3, also using the internet 109 in fig. 1A into DIG's system,

because, Delorme uses the navigation, and a digital camera 13 with a wireless system that would be beneficial to a user to incorporate DIG's XML (Extensible Markup Language) to obtain the claimed limitations.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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